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14 Attorneys for Plaintiffs
15 SPANSION, INC. AND SPANSION LLC

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION

19 SPANSION, INC. et al,

20 Plaintiffs

21 v.

22 TESSERA, INC.,

23 Claimant.

CASE No. 4:10-cv-04954-CW

**JOINT STIPULATION AND ORDER
CHANGING THE DATE OF UPCOMING
CASE MANAGEMENT CONFERENCE
AND RELATED DATES**

1 1. WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*
2 *Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007
3 with respect to International Trade Commission Investigation 337-TA-605 “until the
4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008
5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the
6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”
7 and

8 2. WHEREAS, this Court issued a Related Case Order on September 11, 2008 in the
9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd. et al.*
10 *v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc. et al. v.*
11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case
12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the
13 “Related Cases”); and

14 3. WHEREAS, this Court stayed all proceedings in the Related Cases, to include all
15 claims and counterclaims, by its order of December 19, 2008 “[i]n light of the decision by the
16 International Trade Commission (‘ITC’) granting Tessera’s motion to amend the Complaint and
17 Notice of Investigation adding U.S. Patent No. 5,663,106 to the investigation” known as 337-
18 TA-649 and the stipulation of the parties in the Related Cases; and

19 4. WHEREAS, this Court issued a Related Case Order on November 10, 2010,
20 finding that the case known as *Spansion Inc. v. Tessera Inc.*, Case No. C 10-04954 MMC (the
21 “Spansion case”), is related to this case; and

22 5. WHEREAS, by its orders of December 7, 2010 this Court subsequently set a Case
23 Management Conference in the AMD case, the Spansion case and the Related Cases for June 7,
24 2011 at 2:00 p.m; and

25 6. WHEREAS the parties in the AMD, Spansion, and Related Cases, by their
26 undersigned counsel, report to the Court that the current status of the International Trade
27 Commission Investigation 337-TA-605, which is under appeal to the Federal Circuit in Case
28

1 Number 09-1460, is that the Federal Circuit issued its decision on December 21, 2010, affirming
2 the Commission's final determination, but all appeals have not yet been exhausted. In particular,
3 the period for any petitions to the United States Supreme Court for a *writ of certiorari* has not yet
4 run, and at least one defendant in the AMD Case intends to seek such a petition, and;

5 7. WHEREAS, because a final resolution of ITC's 337-TA-605 investigation,
6 including appeals, is still pending, and therefore the parties in the AMD case, in the Spansion
7 case, and in the Related Cases believe that it would be most efficient to further postpone the case
8 management conference and related activity in the AMD case, the Spansion case, and the
9 Related Cases until approximately November 8, 2011; and


10 8. WHEREAS, the parties appearing below agree that there would be no prejudice to
11 the parties in moving the case management conference, as that case is currently stayed;

12 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
13 parties appearing below through their undersigned respective attorneys of record, based on the
14 foregoing, and subject to the approval of this Court, that:

15 a. The case management conference currently scheduled for June 7, 2011, at 2:00
16 p.m. in the AMD case shall be rescheduled for November 8, 2011 at 2:00 p.m., or as soon
17 thereafter as the Court is available;

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 Dated this 25th day of May, 2011.


Honorable Claudia Wilken
United States District Judge

1 Dated: May 24, 2011

/s/

Elaine Chow
K&L GATES LLP
Attorneys for defendants and counter-claimants
ADVANCED MICRO DEVICES, INC.,
SPANSION TECHNOLOGY INC., SPANSION
INC. and SPANSION LLC

5 Dated: May 24, 2011

/s/

Gina A. Bibby
FOLEY & LARDNER LLP
Attorneys for defendants and counter-claimants
ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.

9 Dated: May 24, 2011

/s/

Michael Heafey
ORRICK, HERRINGTON & SUTCLIFFE
Attorneys for defendants and counter-claimants
SILICONWARE PRECISION INDUSTRIES CO.,
LTD. and SILICONWARE U.S.A.

13 Dated: May 24, 2011

/s/

Joseph Lanser
SEYFARTH SHAW
Attorneys for defendants and counter-claimants
CHIPMOS TECHNOLOGIES INC. and CHIPMOS
U.S.A. INC.

16 Dated: May 24, 2011

/s/

Russell L. Johnson
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Attorneys for defendants and counter-claimants
STMICROELECTRONICS N.V. and
STMICROELECTRONICS, INC.

20 Dated: May 24, 2011

/s/

Michael Franzinger
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Attorneys for defendants and counter-claimants
STATS CHIPPAC INC., STATS CHIPPAC LTD
and STATS CHIPPAC (BVI) LIMITED

24 Dated: May 24, 2011

/s/

Trevor Stockinger
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Attorneys for plaintiff and counter-defendant
TESSERA, INC.

1 Concurrence in the filing of this document has been obtained from the signatories listed
2 above.

3
4 Dated: May 24, 2011

K&L GATES LLP

5 /s/
6 Elaine Chow
7 Attorneys for defendants and counter-claimants
8 ADVANCED MICRO DEVICES, INC.,
9 SPANSION TECHNOLOGY INC., SPANSION
10 INC. and SPANSION LLC
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1 Pursuant to General Order No. 45, Section X, I hereby attest that I have on file all
2 holographic signatures for any indicated by a “conformed” signature /s/ within the e-filed
3 document.

4 Dated: May 24, 2011

K&L GATES LLP

6 /s/
7 Elaine Chow
8 Attorneys for defendants and counter-claimants
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10 SPANSION TECHNOLOGY INC., SPANSION
11 INC. and SPANSION LLC
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